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Attorneys for Plaintiffs STE

ATTORNEYS FOR PLAINTIFFS BRIEFS

Attorneys for Plaintiffs **STEPHAN SHAY AND NATHAN SHAY**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

STEPHAN SHAY, an individual, and      } Case No.: 8:17-CV-744 AG (JCGx)  
NATHAN SHAY, an individual,      }

Plaintiffs  
vs.  
  
CITY OF HUNTINGTON BEACH, a  
public entity, OFFICER BRANDON D.  
ROCKETT #422090, as an individual  
and a peace officer, OFFICER DANIEL  
M. SUBIA #421221, as an individual  
and a peace officer and DOES 1  
through 10 inclusive.

**OPPOSITION TO DEFENDANTS'  
MOTION IN LIMINE NO. 4 TO  
EXCLUDE PLAINTIFFS' POLICE  
PRACTICES EXPERT RICHARD  
BRYCE**

**Pre-Trial Conference:**  
Date: October 22, 2018  
Time: 8:30 a.m.  
Place: Courtroom 10D

Defendants. }~~Plaintiff~~ Date: November 6, 2018  
Time: 9:00 a.m.  
Place: Courtroom 10D

1 **TO THE HONORABLE COURT, DEFENDANTS AND THEIR**  
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that PLAINTIFFS STEPHAN SHAY  
4 (hereinafter, "Stephan") and NATHAN SHAY (hereinafter, "Nathan") (hereinafter  
5 "Plaintiffs")) will and hereby submit the following conditional non-opposition to  
6 Defendants' Motion in Limine No. 4 to exclude Plaintiffs' police practices expert  
7 Richard Bryce.

8  
9 Dated: October 15, 2018

**IVIE, McNEILL & WYATT**

10  
11 By: /s/ Tiffany Rollins

12 **RODNEY S. DIGGS**  
13 **TIFFANY ROLLINS**  
14 **Attorneys for Plaintiffs**  
**STEPHAN SHAY and**  
**NATHAN SHAY**

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **I. INTRODUCTION/ ARGUMENT**

3  
4                   This is a 42 U.S.C. § 1983 case regarding the use of force and unlawful  
5 arrest by Huntington Beach Officers Brandon Rockett (hereinafter “Officer  
6 Rockett”) and Daniel Subia (hereinafter “Officer Subia”) (hereinafter, “Defendant  
7 Officers,” collectively) against Stephan Shay (hereinafter, “Stephan”) and Nathan  
8 Shay (hereinafter, “Nathan”) (hereinafter “Plaintiffs”).

9                   To the extent that Defendants are not seeking to exclude Plaintiffs’ police  
10 practices expert Richard Bryce in general, but rather on the basis that his offered  
11 opinions relate solely to Plaintiffs’ excessive force claims, Plaintiffs’ reserve the  
12 right to file an opposition to this motion in limine pending the results of Plaintiffs’  
13 motion for reconsideration of the Court’s ruling on Defendants’ summary  
14 judgment motion.

15                   Dated: October 15, 2018

IVIE, McNEILL & WYATT

16                   By: /s/ Tiffany Rollins

17                   **RODNEY S. DIGGS**  
18                   **TIFFANY ROLLINS**  
19                   **Attorneys for Plaintiffs**  
20                   **STEPHAN SHAY and**  
21                   **NATHAN SHAY**